

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

DAVID HENEGAR,

Plaintiff,

v.

GEORGIA CORRECTIONAL
HEALTH, LLC, AUGUSTA
UNIVERSITY, AUGUSTA
UNIVERSITY HEALTH, AUGUSTA
UNIVERSITY MEDICAL CENTER,
INC., BILL NICHOLS, SHARON
LEWIS, CINDY MCDADE,
CHARLES BURKE, SHERIE L. LEE,
NURSE MELTON, UNKNOWN
MEDICAL PROVIDERS, WARDEN
PAMELA BALLINGER,
LIEUTENANT STROH, SERGEANT
KEITH, UNKNOWN
CORRECTIONAL OFFICERS,
CORNERSTONE MEDICAL
CENTER, CHI MEMORIAL, JOHN
OWENBY, CARRIE PRITCHETT,
MEGAN ARTHUR, and the STATE
OF GEORGIA,

Defendants.

CIVIL ACTION NO.
4:18-cv-00192-HLM

JURY TRIAL DEMANDED

**PLAINTIFF’S MOTION FOR LEAVE TO FILE A
CONSOLIDATED RESPONSE TO DEFENDANT OWENSBY,
CORNERSTONE, PRITCHETT, AND ARTHUR’S MOTIONS TO DISMISS**

Plaintiff David Henegar, by his attorneys, respectfully requests that this Court grant him leave to file a consolidated response to Defendant Owensby, Cornerstone, Pritchett, and Arthur’s motions to dismiss (ECF Nos. 47, 50). In the alternative, Plaintiff requests an extension of time to respond to Defendant Owensby’s motion to dismiss (ECF No. 47). In support of this motion, Plaintiff states as follows:

1. Plaintiff filed this lawsuit under 42 U.S.C. § 1983 and Georgia state law.
2. Defendant Owensby filed a motion to dismiss on October 19, 2018. Plaintiff’s response is due on November 1, 2018.
3. Defendants Cornerstone, Pritchett, and Arthur, filed a motion to dismiss on October 23, 2018. Plaintiff’s response is due on November 6, 2018.
4. These Defendants are private medical providers—one doctor and two nurses—who treated Plaintiff at the same time, and the hospital at which he was treated. They have all been sued under federal and Georgia state law. Their motions to dismiss contain similar core assertions: that this Court does not have supplemental jurisdiction over Plaintiff’s state law claims.

5. Given the substantial overlap in the motions, Plaintiff believes it would be most efficient to address these jurisdictional issues together in a consolidated response. Plaintiff's response will not exceed the combined page limit.

6. Plaintiff respectfully requests that this Court grant him leave to file a consolidated response to Defendant Owensby, Cornerstone, Pritchett, and Arthur's motions to dismiss, to be filed by November 6, 2018.

7. Because Plaintiff's response to Defendant Owensby's motion to dismiss is due on November 1, 2018, this will require a brief extension to November 6, 2018, to respond to Defendant Owensby's motion to dismiss.

8. Plaintiff requests this extension in good faith and asserts that it will not delay the proceedings or prejudice any party.

9. Defendant Owensby does not oppose this motion.

WHEREFORE, Plaintiff requests that this court grant him leave to file a consolidated response to Defendant Owensby, Cornerstone, Pritchett, and Arthur's motions to dismiss, to be filed on November 6.

If this Court does not grant Plaintiff leave to file a consolidated response, Plaintiff respectfully requests this Court grant him an extension to file his response

to Defendant Owensby's motion to dismiss until November 6, 2018. A proposed order is attached hereto.

Respectfully submitted,

/s/ Rachel Brady
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I, Rachel Brady, an attorney, certify that on October 31, 2018, I filed the foregoing motion using the Court's CM/ECF system, which effected service on all parties of record.

/s/ Rachel Brady
Attorney for Plaintiff